

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

**No. 06-4064**

Smith v. USA

To: Clerk

- 1) Notice of Death also Construed as Motion by to Amend Caption

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The foregoing Motion is granted. Jill P. Smith, Co-Executor will be removed as a appellee. The caption will be amended to read:

SIDNEY E. SMITH, III, Executor of  
the Estate of Sidney E. Smith, Jr., deceased

v.

UNITED STATES OF AMERICA,  
Appellant

For the Court,

/s/ Marcia M. Waldron  
Clerk

Dated: November 1, 2006

PDB/cc: Michael J. Haungs, Esq.  
W. Patrick Delaney, Esq.